

KinderStart.com LLC v. Google, Inc.

C 06-2057 JF

## EXHIBIT B

### TO KINDERSTART.COM'S OPPOSITION TO DEFENDANT GOOGLE INC.'S MOTION FOR ATTORNEY FEES

**RE: DECLARATION OF MELISSA J. BAILEY IN SUPPORT OF DEFENDANT  
FLGSTAR BANCORP'S MEMORANDUM ESTABLISHING ATTORNEYS'  
FEES AND COSTS IN *EON-NET, L.P. V. FLAGSTAR BANCORP*, c05-2129 MJP  
IN THE FEDERAL COURT OF THE WESTERN DISTRICT OF WASHINGTON**

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
Charles K. Verhoeven  
2 Melissa J. Baily  
50 California Street, 22nd Floor  
3 San Francisco, California 94111  
(415) 875-6600 (phone)  
4 (415) 875-6700 (fax)

5 Jon Steiger  
865 South Figueroa Street, 10th Floor  
6 Los Angeles, California 90017  
(213) 443-3000 (phone)  
7 (213) 443-3100 (fax)

8 BYRNES & KELLER LLP  
Bradley S. Keller  
9 Jofrey M. McWilliams  
1000 Second Avenue, 38th Floor  
10 Seattle, Washington 98104  
(206) 622-2000 (phone)  
11 (206) 622-2522 (fax)

12 Attorneys for Defendant  
Flagstar Bancorp  
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14 UNITED STATES DISTRICT COURT  
15 WESTERN DISTRICT OF WASHINGTON  
16 AT SEATTLE

CASE NO. C05-2129 MJP

17 Eon-Net, L.P.,

18 Plaintiff,

19 v.

20 Flagstar Bancorp,

21 Defendant.

**DECLARATION OF MELISSA J. BAILY IN  
SUPPORT OF DEFENDANT FLAGSTAR  
BANCORP'S MEMORANDUM  
ESTABLISHING ATTORNEYS' FEES AND  
COSTS**

1 I, Melissa J. Baily, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and the State of New  
3 York, and I am an associate of the law firm of Quinn Emanuel Urquhart Oliver & Hedges, LLP. I  
4 represent Flagstar Bancorp ("Flagstar") in this action. Except as otherwise stated, I have personal  
5 firsthand knowledge of the matters set forth in this Declaration, and if called as a witness I would  
6 testify competently to those matters.

7 2. Attached hereto as Exhibit A is a true and correct copy of the profile of Charles K.  
8 Verhoeven.

9 3. Attached hereto as Exhibit B is a true and correct copy of the profile of Jon R.  
10 Steiger.

11 4. Attached hereto as Exhibit C is a true and correct copy of my profile.

12 5. Attached hereto as Exhibit D is a true and correct copy of the profile of Richard I.  
13 Samuel.

14 6. Attached hereto as Exhibit E is a true and correct copy of the profile of Brad Keller.

15 7. Attached hereto as Exhibit F is a true and correct copy of the profile of Jofrey  
16 McWilliam.

17 8. Attached hereto as Exhibits G through W are true and correct copies of Quinn  
18 Emanuel invoices paid by Flagstar Bancorp.

19 9. Attached as Exhibit X is a true and correct copy of my expense report submitted in  
20 connection with attendance at oral argument in Seattle.

21 10. Attached as Exhibits Y through Exhibit BB are true and correct copies of Goodwin  
22 Procter invoices paid by Flagstar Bancorp.

23 11. Attached as Exhibits CC through HH are true and correct copies of Byrnes &  
24 Keller invoices paid by Flagstar Bancorp.

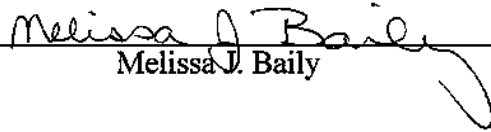
25 12. All invoices attached hereto have been reviewed and edited.

26 13. All fees and costs charged are reasonable. In light of the minimal settlement offer  
27 by Eon-Net, unusual measures were implemented to minimize costs and fees.

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I declare under penalty of perjury that the foregoing is true and correct.  
Executed this 19th day of October, 2006, in San Francisco, California.

  
\_\_\_\_\_  
Melissa J. Baily

## **EXHIBIT H**

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
 865 South Figueroa Street, 10<sup>th</sup> Floor  
 Los Angeles, California 90017  
 (213) 624-7707

May 17, 2005

Kristina D. Maritzak  
 Vice President  
 Flagstar Bank  
 Legal Department  
 5151 Corporate Drive  
 Troy, MI 48098

**Invoice #:** 1075705  
**Matter #:** 07903  
**Federal ID #:** 95-4004138  
**Responsible Attorney:** Jon Steiger

Eon-Net v. Flagstar

FOR PROFESSIONAL SERVICES through April 30, 2005 in connection with defense of patent infringement lawsuit relating to a patent for information processing technology.

\$ 8,823.00

Other Charges in connection with the foregoing consisting of: photocopying (\$27.84) (\$.24 per page, based on market not cost), telecopier (\$24.00), outside photocopying (\$10.39), express mail (\$54.43) charges.

\$ 116.66

|  |             |
|--|-------------|
| TOTAL DUE                                  | \$ 8,939.66 |
| BALANCE DUE FROM PREVIOUS STATEMENT(S)     | \$ 4,403.86 |
| PAYMENTS RECEIVED SINCE PREVIOUS STATEMENT | \$ 4,403.86 |

*Kindly reference this invoice number with your remittance. Thank You.*

STATEMENT DETAIL

| <u>Date</u> | <u>Timekeeper</u> | <u>Description of Services Rendered</u>  | <u>Hours</u> |
|-------------|-------------------|--|--------------|
| 03/01/05    | CKV               | Conference call with Kristina D. Maritzak, Nathan Garnett and Karen Hagberg concerning case status; conference call with Kristina Maritzak, Nathan Garnett and Stephen Glazier concerning case status; conference MB and JRS concerning review of patent, prosecution history and case investigation; review patent. | 1.20         |
| 03/02/05    | CKV               | Review email correspondence concerning potential joint defense partners and case investigation; conference with JRS concerning case status and next steps; review draft joint defense agreement.   | 0.20         |
| 04/01/05    | MJB               | Review prosecution history relating to '697 Patent and prior art<br>; draft summary;<br>regarding invalidity   | 1.70         |
| 04/04/05    | MJB               | Draft answers and counterclaims to Eon-Net complaints; conference with CKV regarding same.   | 2.00         |
| 04/04/05    | SCB               | Legal research regarding applicable New Jersey local rules of court.   | 0.40         |
| 04/05/05    | MJB               | Telephone conferences with Nathan Garnett and Kristina D. Maritzak regarding response to Eon-Net complaints<br>; search for prior art<br><br>; review same.  | 2.70         |
| 04/05/05    | CKV               | Review and revise draft answer and counterclaims for Drugstore.com and Flagstar.com cases; conference with MB concerning same.   | 0.50         |
| 04/06/05    | MJB               | Revising and finalizing answers, counterclaims, and proofs of service; telephone conference with local counsel regarding same.   | 1.20         |
| 04/06/05    | SCB               | Legal research regarding incorporation.  | 0.70         |
| 04/07/05    | MJB               | Telephone conference with R. Samuel regarding filing answers and counterclaims; finalizing and filing  | 1.50         |

| <u>STATEMENT DETAIL</u> |                   |  |              |
|-------------------------|-------------------|--|--------------|
| <u>Date</u>             | <u>Timekeeper</u> | <u>Description of Services Rendered</u>  | <u>Hours</u> |
|                         |                   | answers and counterclaims; conference with CKV regarding same.   |              |
| 04/08/05                | MJB               | Conference call with client regarding noninfringement; preparation for same; draft memorandum summarizing same.  | 1.10         |
| 04/10/05                | MJB               | Search for prior art; review same.   | 1.90         |
| 04/13/05                | CKV               | Conference with JRS and MB concerning  | 0.10         |
| 04/19/05                | MJB               | Schedule conference call to discuss invalidity   | 0.10         |
| 04/19/05                | JRS               | Review and discussion of patent analysis, emails regarding same and regarding scheduling call regarding same   | 0.20         |
| 04/21/05                | JRS               | Review of patent analysis conferences and emails regarding same, comments, status and strategy   | 0.20         |
| 04/22/05                | JRS               | Further review and comment on analysis and strategy; telephone conference regarding same; review emails regarding other defendants; consider consolidation issues. | 0.20         |
| 04/23/05                | MJB               | Further review relevant prior art; finalize and circulate memo regarding invalidity  | 1.40         |
| 04/25/05                | MJB               | Research regarding status of parallel Eon-Net actions; correspondence with JRS regarding invalidity  | 0.70         |
| 04/25/05                | CKV               | Review MB preliminary analysis; conference with MB concerning same.  | 0.10         |
| 04/25/05                | JRS               | Conference call regarding strategy options and alternatives, etc.; outline same; follow up conference regarding venue  | 0.20         |



| <u>STATEMENT DETAIL</u> |                   |   |              |
|-------------------------|-------------------|---|--------------|
| <u>Date</u>             | <u>Timekeeper</u> | <u>Description of Services Rendered</u>   | <u>Hours</u> |
| 04/26/05                | JRS               | Conference call with clients regarding status, strategy, : analysis, venue , etc.; preparation for call and follow up regarding several items.            | 0.20         |
| 04/26/05                | MJB               | Telephone conference with CKV and JRS regarding invalidity, transfer; telephone conference with clients regarding same; research regarding Eon-Net cases. | 1.70         |
| 04/26/05                | CKV               | Conference with JRS and MB concerning invalidity and transfer   | 0.30         |
| 04/27/05                | MJB               | Research and draft memo regarding motion to transfer.   | 1.40         |
| 04/28/05                | MJB               | Review order setting case management schedule; draft initial disclosures; prepare pro hac vice motions, supporting affidavits, and proposed orders.       | 2.10         |
| 04/29/05                | MJB               | Correspondence with R. Samuel and J. Zimmerman regarding electronic filing; finalize memo regarding motion to transfer.                                   | 1.00         |

TOTALS

| <u>Timekeeper</u>    |     | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|----------------------|-----|--------------|-------------|---------------|
| Charles K. Verhoeven | CKV | 2.40         | 650.00      | 1,560.00      |
| Jon Steiger          | JRS | 1.00         | 600.00      | 600.00        |
| Melissa Baily        | MJB | 20.50        | 310.00      | 6,355.00      |
| Shiela Beail         | SCB | 1.10         | 280.00      | 308.00        |